

REMARKS

SUPPLEMENTAL LITIGATION NOTICE

A Supplemental Litigation Notice is filed herewith, pursuant to 37 C.F.R. 1.178(b).

CONCURRENT IDS FILING

An IDS is filed currently with this filing that includes some of the documents referenced in the Supplemental Litigation Notice.

INTERVIEW SUMMARY FOR 10/825,440

A telephonic interview was held between the undersigned and Examiner Patel on April 8, 2010, to discuss the correct form to be used for the supplemental declaration in order to meet the requirement of listing all amendments to the claims and the specification.

Examiner Patel confirmed that it was not necessary to submit copies of the previous amendments identified in the supplemental declaration. Examiner Patel subsequently sent an email to identify the correct format to use for the declaration.

REJECTION UNDER 35 USC 251 AND RESPONSE:

Claims 32-50, 60-68, 83 and 86 were rejected under 35 USC 251 as having a defective reissue oath/declaration. Examiner Patel indicated that reissue declaration must set forth the dates of all amendatory submissions which caused amendments to the claims and/or specification.

To obviate this rejection, a further Supplemental Declaration signed by the inventors is attached that lists the amendments made to the claims and specification, and includes an error listing with a specific references to the claims and claim limitations. Accordingly, it is requested that the rejection be reconsidered and withdrawn.

The examiner should be aware that the following co-pending patent applications disclosed in an IDS relate to similar kinds of products, although the claims are clearly patentably distinct. The most recent action for these applications is listed.

10/825,440 filed 04-14-04 (03/02/10 Office Action rejection) (Present Case)
09/677,535 filed 10-02-00 (Notice of Allowance—Issue Fee paid)
10/071,053 filed 02-08-02 (Issued as U.S. Patent No. 7,519,551)
10/305,439 filed 11-26-02 (Issued as U.S. Patent No. 7,680,734)
11/149,278 filed 06-10-05 (Issued as U.S. Patent No. 7,672,886)
10/382,946 filed 03-06-03 (Issued as U.S. Patent No. 7,536,350)
10/411,650 filed 04-11-03 (Issued as U.S. Patent No. 7,509,286)
11/641,046 filed 12-19-06 (Notice of Allowance)
11/689,247 filed 03-21-07 (Notice of Allowance—Issue Fee paid)
11/767,827 filed 06-25-07 (Issued as U.S. Patent No. 7,668,771)
11/767,837 filed 06-25-07 (Issued as U.S. Patent No. 7,680,716)
11/767,846 filed 06-26-07 (Issued as U.S. Patent No. 7,672,901)
11/767,856 filed 06-25-07 (Issued as U.S. Patent No. 7,672,902)
11/840,064 filed 08-16-07 (10/15/08 Office Action with rejection—abandonment notice)
11/840,060 filed 08-16-07 (Notice of Allowance—Issue Fee paid)
11/840,052 filed 08-16-07 (Notice of Allowance—Issue Fee paid)
11/932,762 filed 10-31-07 (Issuing as U.S. Patent No. 7,716,131)
12/271,705 filed 11-14-08 (Issued as U.S. Patent No. 7,668,772)
12/025,402 filed 02-04-08
12/385,522 filed 04-10-09 (012-18-09 Office Action)
12/340,026 filed 12-19-08
12/408,507 filed 03-20-09
12/408,511 filed 03-20-09
12/408,523 filed 03-20-09

12/453,387 filed 05-08-09
12/453,388 filed 05-08-09
12/453,389 filed 05-08-09
12/453,390 filed 05-08-09
12/638,544 filed 12-15-09
12/622,979 filed 11-20-09
12/684,071 filed 01-07-10
12/686,797 filed 01-13-10

The examiner is directed to review the file of these other co-pending applications as he deems appropriate, to determine the reasoning and references applied in the current and/or prior office actions, as well as applicants' responses thereto.

The present application is now in condition for allowance.

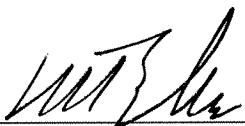
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any deficiency or credit any over-payment to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 5, 2010

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